

Message Text

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FROM REGIONAL LABATT

E.O. 11652: N/A

TAGS: ELAB, ET

SUBJECT: COMMENT ON NEW LABOR LAW

REF: A) ADDIS ABABA 14233; B) STATE 292497 (NOTAL)

1. SUMMARY: TEXT OF LABOR PROCLAMATION HAS BEEN CIRCULATING SEVERAL DAYS, ALTHOUGH OFFICIAL GAZETTA NOT YET PUBLISHED. STROPPED OF ITS SOCIALIST JARGON, SUBSTANTIVE CONTENT IS MODERATE AND CLEAR AND PRESENTS LOGICAL GROWTH FROM PAST LAWS. INDIVIDUAL WORKER, HIS RIGHTS AND OBLIGATIONS IS CENTRAL FOCUS WITHIN OBJECTIVE OF MOBILIZING AND UTILIZING HUMAN RESOURCES TO ACHIEVE HIGHER PER-CAPITA PRODUCTIVITY, LARGER TOTAL PRODUCTION AND NATIONAL DEVELOPMENT. WORKER IS GIVEN GREATER PROTECTION AND RELATIVELY MORE LIBERAL RIGHTS TO ORGANIZE AND BARGAIN COLLECTIVELY, BUT AT THE SAME TIME HE MUST FOLLOW STRICTER PROCEDURES AND MAINTAIN DISCIPLINE "THROUGH THE STRICT OBSERVANCE OF SOCIALIST LEGALITY." RIGHT TO STRIKE OR LOCK-OUT IS STILL STECHNICALLY PRESENT, BUT DISPUTE SETTLEMENT PROCEDURES MAKE A LEGAL STRIKE OR

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LOCK-OUT VIRTUALLY IMPOSSIBLE. SINCE EMPLOYERS AND

THEIR ORGANIZATIONS ARE NOT MENTIONED IN PROCLAMATION, FUTURE OF TRIPARTITISM REMAINS IN DOUBT. END SUMMARY.

2. CHAPTER ON TRADE UNIONS ESTABLISHES LEGAL BASIS FOR THREE-TIERED STRUCTURE. ONE UNION IN ONE SHOP IS FUNDAMENTAL RULE, ALTHOUGH WORKERS IN SMALLER SHOPS MAY FORM GENERAL UNIONS. THESE LOCALS MAY FORM NATIONAL INDUSTRIAL UNIONS, WHICH IN TURN COMPRISE ALL-ETHIOPIA TRADE UNION (AETU). REQUIREMENT THAT ALL EXISTING UNIONS MUST REREGISTER AND HOLD NEW ELECTIONS, LABOR MINISTRY OFFICIAL SAID, WAS MADE TO ENSURE THAT ALL UNIONS REPRESENT MAJORITY IN EACH SHOP AND THAT ALL LEADERS ARE DEMOCRATICALLY ELECTED. FORMATION OF INDUSTRIAL UNIONS AND AETU IS SUPPOSED TO FOLLOW SAME MAJORITY DECISION PROCEDURE, WITH UNWRITTEN RULE THAT ONLY WORKERS (NO OUTSIDERS) MAY HOLD OFFICER POSITIONS. RUMORS SUGGEST PMAC WILL SEEK EXERCISE SOME FORM OF OBSERVATION OR CONTROL AT INDUSTRIAL UNION LEVEL AND THAT OFFICIAL APPOINTEE MAY HEAD UP AETU STAFF. DEGREE OF FREEDOM WHICH UNIONS ALLOWED WILL DEPEND ON MANNER OF IMPLEMENTATION THESE PROVISIONS OF LAW.

3. COLLECTIVE AGREEMENT SECTION SPELLS OUT SUBJECT MATTER WHICH MUST BE COVERED. LONG AWAITED PROVISION FOR CHECK-OFF OF UNION DUES IS CLEARLY STATED. IN ADDITION TO USUAL DEFINITION OF WAGES AND WORKING CONDITIONS, AGREEMENT IS TO PROVIDE PRODUCTION TARGETS AND MEANS TO IMPROVE QUANTITY AND QUALITY OF PRODUCTS, FOR INTRODUCTION OF NEW TECHNOLOGY, FOR WORKERS PARTICIPATION IN MANAGEMENT, ETC. JUDGING BY PAST PERFORMANCE IN REACHING COLLECTIVE AGREEMENTS IN ETHIOPIA, CONSIDERABLE TECHNICAL ASSISTANCE WILL BE NEEDED IF THE NEGOTIATING TEAMS ARE TO COPE SUCCESSFULLY WITH THESE REQUIREMENTS.

4. GRIEVANCE HANDLING AND DISPUTE SETTLEMENT SHOULD BECOME MORE EXPEDITIOUS AND EFFICIENT IN THE FUTURE. EACH SHOP OF 10 OR MORE IS TO HAVE AN ELECTED TRADE DISPUTE COMMITTEE WITH CONTINUOUS ACCESS TO MANAGEMENT AND WITH GOVERNMENT CONCILIATORS ON CALL. UNSETTLED ISSUES MAY GO TO ARBITRATION OR BE CARRIED TO LABOR DIVISIONS IN PROVINCIAL LIMITED OFFICIAL USE

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COURTS OR THE HIGH COURT. STRICT OBSERVANCE OF PROCEDURE AND LEGALITY AND BINDING NATURE OF ARBITRATION AND COURT DECISIONS LEAVE NO ROOM FOR LEGAL STRIKES OR LOCK-OUTS.

5. REACTION TO NEW PROCLAMATION HAS BEEN FAVORABLE. SOME WORKERS, MAINLY FROM LARGER AND WEALTHIER FIRMS, ARE SAID TO GRUMBLE THAT MINIMUM LABOR CONDITIONS ARE AT LEVELS ALREADY IN EXISTENCE, WHILE OTHERS IN SMALLER AND LESS PROSPEROUS

FIRMS ARE IMPATIENT FOR DECLARATION OF MINIMUM WAGE, WHICH TO BE MADE LATER BY SEPARATE PROCLAMATION. SOME PRIVATE EMPLOYERS HAVE EXPRESSED VIEW THAT NEW PROCEDURES FOR AGREEMENTS AND DISPUTE SETTLEMENTS WILL BE MORE DIFFICULT TO FOLLOW BUT WILL PROVE BENEFICIAL. THEY EXPRESS SOME CONCERN OVER COSTS WHICH WILL ARISE FROM MORE STRINGENT DISMISSAL REQUIREMENTS AND FROM HIGHER SEVERANCE PAY.

6. OFFICERS OF FEDERATION OF EMPLOYERS OF ETHIOPIA (FEE) APPEAR UNSURPRISED THAT NO MENTION WAS MADE OF EMPLOYERS OR THEIR ORGANIZATIONS. ALTHOUGH THEY HAVE BEEN TOLD BY LABOR MINISTRY OFFICIALS THAT THEIR STATUS UNCHANGED FROM THAT CALLED FOR UNDER PROVISIONS OF PREVIOUS LAWS WHICH REMAIN IN EFFECT UNLESS SUPERCEDED, THEY FULLY EXPECT THAT FEE WILL BE LEFT ASIDE TO WITHER AWAY AND THAT MANAGEMENT REPRESENTATION WILL BE TAKEN UP BY MINISTRY OF NATIONAL RESOURCES.

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